IN THE HIGH COURT OF JUDICATURE OF
ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MRS. JUSTICE T.MEENA KUMARI
AND
THE HON'BLE MR. JUSTICE G.CHANDRAIAH

WRIT PETITION NO. 20599 OF 2007

Dated : October 11, 2007

Between:

Chennappa

Petitioner

AND

The Chairman, Medical Board,
District Hospital, Tandur,
Rangareddy District,
Rep. By the Medical Superintendent
District Hospital, Tandur, Rangareddy Disitrict

Respondent

THE HON'BLE MRS. JUSTICE T.MEENA KUMARI
AND
THE HON'BLE MR. JUSTICE G.CHANDRAIAH

WRIT PETITION NO. 20599 OF 2007

ORAL ORDER: **(per THE HON'BLE MRS. JUSTICE T.MEENA KUMARI)**

Seeking a writ of certiorari calling for the records relating to order dated 17.08.2007 in O.A. No. 7713 of 2006 with C.A. No. 300 of 2007 passed by the A.P. Administrative Tribunal, Hyderabad, and to declare the same as illegal, arbitrary and violative of Articles 14, 16 and 21 of the Constitution of India and consequently declare that the petitioner is entitled to the reimbursement of Rs.27,000/- towards the medical expenditure incurred by the petitioner for cataract eye operation and jaundice while holding the action of the first respondent in rejecting the same on the ground of undergoing treatment in a private hospital as illegal, the petitioner filed this writ petition.

Petitioner filed the above O.A. assailing action of the respondent in rejecting the claim of the petitioner for reimbursement towards the medical expenditure by issuing proceedings Rc. No. NIL/MB/DH/T/2006 and MB/DH/T/2006 dated 13.12.2006 as illegal, arbitrary and contrary to GO Ms. No. 74 dated 15.3.2005 and amended GO (P) No. 180 dated 11.3.2006 and to consequently direct the respondent to reimburse the Medical Expenditure.

The petitioner who is a pensioner, underwent treatment for Eye Cataract Operation at Sai Jyothi Eye Institute, Marredpaly in 2006 and immediately after the operation, he developed jaundice and was treated at Asian Institute of Gastro Entrology Private Limited,

Somajiguda, Hyderabad, which cumulatively cost him Rs.27,000/-. Thereafter, the petitioner submitted bills to respondent, which was rejected on the ground that the petitioner has taken treatment at private hospital.

The Tribunal by its order, dated 26.3.2007, directed the respondent to consider reimbursement of the medical expenditure, in accordance with the Rules contained in GO Ms. No. 74 dated 15.3.2005 and in view of the Amended GO (P) No. 180 dated 11.3.2006 within a period of four weeks. When the said order was not implemented, the petitioner filed C.A. No. 300 of 2007. The Tribunal after hearing both the O.A. and C.A., dismissed the same by the impugned order.

The learned counsel for the petitioner contends that the no distinction as to private hospital and Government recognized hospital ought to have been made by the respondent in reimbursing the amount incurred by the petitioner. It is also contended that inasmuch as the petitioner is of advanced age, his children have taken him to the above hospitals for treatment, without his decision.

Whereas, it is submitted by the learned Standing Counsel for the respondent that the petitioner is not entitled for the reimbursement inasmuch as he has not taken treatment in the listed hospital.

Admittedly, the hospitals, in which the petitioner has taken treatment do not entitle him for claiming reimbursement nor there are any Rules enabling to issue a direction for such reimbursement inasmuch as those hospitals are not enlisted and, therefore, they cannot be treated on par with the recognized hospitals. Therefore,

this court cannot direct the respondent to grant reimbursement of the medical. Consequently, we do not see any justifiable ground to entertain the writ petition.

The writ petition accordingly fails and is dismissed at the stage of admission. There shall be no order as to costs.

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T.MEENA KUMARI, J.

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G.CHANDRAIAH, J.

October 11, 2007
MAS